IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1426 OF 2005

Iqbal Baba Shaikh ..Petitioner

versus

State of Maharashtra ..Respondents

Mrs. D. M. Shah, Advocate appointed for the petitioner.

Dr. F. R. Shaikh, Addl. P.P. for the Respondents - State.

CORAM : D. G. DESHPANDE, &
S. A. BOBDE, JJ.

DATE : 27TH JUNE, 2006

P.C. :

1. The petitioner is undergoing imprisonment. We had appointed Mrs. D. M. Shah from the Legal Aid Penal to represent him. Heard Mrs. D. M. Shah, Advocate appointed for the petitioner and learned APP for the State.

2. Grievance of the petitioner is that he was released on parole on 29.12.2000. He was suffering from Ulcer. He had given an application for extension of parole but that was not granted, and therefore, he voluntarily surrendered in prison but

on 12.4.2001 i.e. late by 73 days. However, for his absence or delay in surrendering by 73 days, remission has been cut by 365 days in the proportion of 5 days deduction in remission for one day's delay. Therefore, he has filed the present writ petition. According to him, the punishment imposed is very severe and considering the fact that he has voluntarily surrendered, it should be reduced.

3. We had decided Writ petition Nos. 3053 of 2005 and 3054 of 2005 vide order dated 19.6.2006 where for one day's delay the remission was cut by two days. In those petitions, according to the petitioner the sentence imposed was harsh and disproportionate. But according to us, the sentence was proper. Therefore, following the said order, we, pass the same order i.e. for one day's delay remission cut of is to be two days instead of five days.

4. Petition disposed of accordingly.

5. Office to communicate this order to the concerned jail authorities.

(D.G. DESHPANDE, J.)

(S.A. BOBDE, J.)